

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DAVID BOLLINGER,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:98-cv-01263-MMD-BNW

ORDER

In this capital habeas corpus action, on February 24, 2023, the Court granted Respondents' motion for reconsideration (ECF No. 333), vacated the order granting Petitioner David Bollinger relief from judgment (ECF No. 279), reinstated the judgment entered on March 5, 2015 (ECF No. 244), vacated the order granting Bollinger leave to amend his third amended petition to include his Claim 7D (ECF No. 279), ordered that Bollinger's third amended habeas petition will no longer be treated as amended to include Claim 7D, and denied Bollinger a certificate of appealability. (ECF No. 336.) On March 24, 2023, Bollinger filed a motion to alter or amend judgment under Rule 59(e) or, in the alternative, motion for reconsideration (ECF No. 337), and a motion for relief from judgment under Rule 60(b) (ECF No. 339) ("March 24 motions"). After a 28-day extension of time (ECF No. 346) and a seven-day extension of time (ECF No. 352), Respondents were due to respond to Bollinger's March 24 motions by May 12, 2023.

On May 12, 2023, Respondents filed two motions for extension of time (ECF Nos. 353, 354), requesting that the time for them to respond to Bollinger's March 24 motions be extended by another three days, to May 15, 2023. Respondents' counsel states that Bollinger, who is represented by appointed counsel, does not oppose the motions for

1 extension of time. Respondents filed their responses to the March 24 motions on May 15,
2 2023, as contemplated in their motions for extension of time. (ECF Nos. 355, 356.)


3 The Court finds that Respondents' motions for extension of time are made in good
4 faith and not solely for the purpose of delay, and that there is good cause for the
5 extensions of time requested. The Court will grant those motions for extension of time
6 and treat the responses to Bollinger's March 24 motions as timely filed.

7 Additionally, the Court will *sua sponte* extend to June 16, 2023 the time for
8 Bollinger to file replies in support of his March 24 motions. The Court does this with the
9 expectation that no further extensions of this briefing schedule will be necessary.

10 It is therefore ordered that Respondents' Motions for Enlargement of Time (ECF
11 Nos. 353, 354) are granted. Respondents' responses (ECF Nos. 355, 356) to Petitioner's
12 motion to alter or amend judgment under Rule 59(e) or, in the alternative, motion for
13 reconsideration (ECF No. 337), and motion for relief from judgment under Rule 60(b)
14 (ECF No. 339) will be treated as timely filed.

15 It is further ordered that Petitioner will have until and including June 16, 2023 to
16 file replies in support of his motion to alter or amend judgment under Rule 59(e) or, in the
17 alternative, motion for reconsideration (ECF No. 337), and motion for relief from judgment
18 under Rule 60(b) (ECF No. 339).

19 DATED THIS 16th Day of May 2023.

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23 MIRANDA M. DU
24 CHIEF UNITED STATES DISTRICT JUDGE
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